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May 5, 2022

VIA ELECTRONIC FILING

The Honorable Richard G. Andrews
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *Finjan, LLC v. Trustwave Holdings, Inc., et al.*
C.A. No. 20-371 (RGA)

Dear Judge Andrews:

I write on behalf of Defendant Trustwave Holdings, Inc. (“Trustwave”) to provide a status report and to address Finjan, LLC’s (“Finjan”) purported status report. We apologize for submitting a separate report, but Finjan chose to make the proposed joint status report a discovery dispute letter, which we did not understand to be the purpose of the status report.

By way of status update, the parties completed Markman briefing on March 31, 2022. D.I. 149. The Markman hearing has been scheduled for July 5. D.I. 150. Both parties have produced documents, and discovery is outstanding on both sides. The parties continue to discuss discovery issues. Trial is scheduled for June 12, 2023. D.I. 150.

With respect to Finjan’s report, on April 26, 2022, Finjan suggested that the parties request a one-week extension to the deadline to submit a joint status report. Trustwave agreed, and the Court granted the stipulated extension. D.I. 151. At Finjan’s request, the parties discussed scheduling a meet and confer on certain discovery issues that Finjan stated it wanted to raise but which it did not describe. However, counsel for Trustwave was unavailable at the times Finjan proposed and instead requested that Finjan put its issues in writing and said that Trustwave would respond.

Yesterday afternoon, the day before the joint status report was due, Finjan sent what it called a status report, but which was in fact four pages of argument on issues Finjan apparently has with Trustwave’s discovery. Trustwave disagrees with Finjan’s arguments on the discovery issues – and has its own complaints with Finjan’s discovery. Trustwave does not believe, however, that a status report is the appropriate way to raise these issues, particularly when they were raised

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yesterday afternoon. When we objected, Finjan sent us a shortened list of discovery complaints to submit as a status report. We declined to join that report. If the Court would like to schedule a discovery dispute hearing, to the extent that the parties have met and conferred on the issues, we will be prepared to address any outstanding discovery issues.

Respectfully,

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

JBB/bac

cc: All Counsel of Record (via electronic mail)